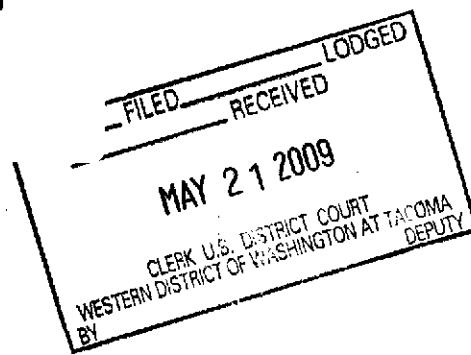


08-CV-05750-ORD



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11 JODY KENNARD,

12 Plaintiff,

13 v.

14 MICHAEL ASTRUE, Commissioner of
15 Social Security,

16 Defendant.

CASE NO. C08-5750FDB
ORDER

17 After reviewing the agreed motion to remand the matter to the administration (Doc. 18),
18 it is hereby ORDERED that the Commissioner's final decision be reversed and remanded for a de
19 novo hearing pursuant to sentence four of 42 U.S.C. § 405(g).

20 On remand, the administrative law judge (ALJ) shall:

21 • Conduct a new hearing, further develop the record, and issue a new decision.
22 • The ALJ shall develop the record concerning of the claimant's orthopedic and mental
23 impairments.

24 • The ALJ should obtain evidence from medical experts, who are qualified in orthopedics
25 and psychiatry to clarify the nature and severity of the claimant's impairments.

1 • The ALJ should further reassess the claimant's maximum residual functional capacity
2 and should consider all treating and examining medical source opinions.

3 • The ALJ should consider the claimant's subjective complaints.
4 • The ALJ should obtain testimony from a vocational expert and present a complete
5 hypothetical question containing all of the credible limitations.
6

7 New medical evidence, if available, shall be considered on remand. The May 25, 2007
8 hearing decision shall be made part of the case record. Upon proper presentation, the Court will
9 consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d).

10 DATED this 21 day of May 2009.

11
12
13 _____
14 Franklin D. Burgess
15 UNITED STATES DISTRICT JUDGE
16

17 Recommended for Entry
18 This 18th day of May, 2009.

19 _____
20 J. Richard Creatura
21 United States Magistrate Judge
22
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